

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

January 13, 2000

DIVISION TWO

B112272 Partnership Placements, Inc. (Not for Publication)
 v.
 Landmark Insurance Company

Insofar as it awards damages and prejudgment interest for breach of contract, the judgment is affirmed. In all other respects, the judgment is reversed. The order denying motion for judgment notwithstanding the verdict is reversed, with directions to enter judgment notwithstanding the verdict of the causes of action for fraud and breach of fiduciary duty. The parties shall bear their own costs.

Mallano, J. (Assigned)

We concur: Boren, P.J.
 Nott, J.

B128893 People (Not for Publication)
 v.
 Harris

The Court:

The judgment is affirmed.

Boren, P.J., Nott, J., Mallano, J. (Assigned)

DIVISION TWO (Continued)

B133072 Milana R. (Not for Publication)

v.

Superior Court, Los Angeles County

(L.A. County Department of Children & Family Services, r.p.i.)

The petition for writ of mandate is denied, and the order to show cause is dismissed.

Nott, J.

We concur: Boren, P.J.

Mallano, J. (Assigned)

B129879 People (Not for Publication)

v.

Hernandez

The Court:

The judgment is modified to impose a restitution fine of \$200 (1202.4, subd.(b)), and a parole revocation fine in the amount of \$200 (1202.45). The latter fine shall be suspended unless appellant is eventually place on parole and parole is revoked. The abstract of judgment shall be amended to reflect these fines. In all other respects, the judgment is affirmed.

Boren, P.J., Nott, J., Mallano, J. (Assigned)

B128683 Los Angeles County, D.C.F.S. (Not for Publication)

v.

Maria T.

The Court:

The judgment is affirmed.

Boren, P.J., Nott, J., Mallano, J. (Assigned)

DIVISION TWO (Continued)

B128557 Arya Group, Inc. (Certified for Partial Publication)
 v.
 Cher et al.

The orders sustaining respondents' demurrers are reversed as to the first, third, eighth and ninth causes of action, and affirmed as to all other causes of action. The award of costs to respondents in the amount of \$883 is also reversed. The parties shall bear their own costs on appeal.

Mallano, J. (Assigned)

We concur: Boren, P.J.
 Cooper, J.

B132392 Los Angeles County, D.C.F.S. (Not for Publication)
 v.
 Claudia S.

The judgment is affirmed.

Mallano, J. (Assigned)

We concur: Boren, P.J.
 Nott, J.

B125034 Woods (Not for Publication)
 v.
 Centinela Hospital Medical Center

The judgment is affirmed.

Mallano, J. (Assigned)

We concur: Boren, P.J.
 Nott, J.

January 13, 2000-Continued

DIVISION TWO (Continued)

B124365 People (Not for Publication)
v.
Lemus

The Court:

The judgment is affirmed.

Boren, P.J., Cooper, J., Mallano, J. (Assigned)

DIVISION THREE

B132737 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Vera B.

The judgment is affirmed.

Kitching, J.

We concur: Klein, P.J.
Schneider, J. (Assigned)

B122903 Nelida Attias, et al. (Not for Publication)
v.
Farmers Insurance Group., Inc., et al.

The judgment is affirmed.

Kitching, Acting P.J.

We concur: Aldrich, J.
Schneider, J. (Assigned)

DIVISION THREE (Continued)

[illegible]

The judgment is affirmed.

Klein, P.J.

I concur: Kitching, J.
I dissent: Schneider, J. (Assigned) (Opinion)

[illegible]

The judgment is modified to impose a \$200 parole revocation fine, to remain suspended unless and until Moore violates parole. The judgment is affirmed as modified. The trial court shall have its clerk prepare an amended abstract of judgment reflecting the fines imposed and forward a copy to the Department of Corrections.

Klein, P.J.

We concur: Kitching, J.
 Schneider, J. (Assigned)

B129547 People (Not for Publication)
v.
Mercer

The judgment is modified to reflect imposition of a \$200 restitution fine and a \$200 parole revocation fine. As modified, the judgment is affirmed. The superior court is ordered to prepare an amended abstract of judgment to be forwarded to the Department of Corrections.

Klein, P.J.

We concur: Croskey, J.
 Schneider, J. (Assigned)

DIVISION THREE (Continued)

B128117 People (Not for Publication)
v.
Logan

The judgment is modified to reflect an award of 224 days of presentence custody credit consisting of 150 actual days and 74 days of custody credit, and, as so modified, affirmed.

Klein, P.J.

We concur: Kitching, J.
 Schneider, J. (Assigned)

B122291 People (Not for Publication)
v.
Avila

Avila's conviction of second degree robbery of Juan Castro in violation of Penal Code section 211 as alleged in count six of the information, and the finding Avila personally used a firearm during the offense pursuant to Penal Code section 12022.5, subdivision (a), are reversed. The judgment is modified by striking the one-year sentence imposed with regard to Avila's conviction of robbery as alleged in count six and striking the one-year firearm use enhancement imposed with regard to that count. In all other respects, the judgment is affirmed.

Kitching, J.

We concur: Croskey, Acting P.J.
 Schneider, J. (Assigned)

DIVISION THREE (Continued)

B122995 People v. Kyne (Not for Publication)

The sentences on counts 2 and 3 are ordered to be stayed. As modified, the judgment is affirmed. The superior court is ordered to prepare a corrected abstract of judgment and forward a copy to the Department of Corrections.

Klein, P.J.

We concur: Kitching, J.
 Schneider, J. (Assigned)

DIVISION FOUR

Court convened at 9:00 a.m.

Present: Vogel (C.S.), P.J., Epstein, J., Hastings, J., Curry, J. and V. Guzman, Deputy Clerk.

B125133 People
v.
Kuti

Merits:
Argued by Chris R. Redburn for appellant and by Juliet H. Swoboda, deputy attorney general, for respondent. Cause submitted.

B125644 Ravindran
v.
Children's Hospital of Los Angeles

Merits:
Argued by Sandra J. Smith for appellant and by Thomas J. Weiss for respondent. Cause submitted.

DIVISION FOUR (Continued)

B135395 Trustees of California State University
v.
Superior Court, Los Angeles County
(Hammontree, r.p.i.)

Merits:

Argued by Leroy Anderson for petitioner and by Michelle A. Reinglass for real party in interest. Cause submitted.

B135208 Deutch
v.
Superior Court, Los Angeles County
(K-Tel Direct Marketing, r.p.i.)

Merits:

Argued by James J. Banks for petitioner and by Larry C. Russ for real party in interest. Cause submitted.

Court in recess.

Court reconvened at 1:30 P.M.

Present: Vogel (C.S.), P.J., Epstein, J., Hastings, J., Curry, J. and V. Guzman, Deputy Clerk.

B131677 Raicevic
v.
California Department of Health Services et al.

Merits:

Argued by Roman Y. Nykolyshyn for appellant and by Eric Sawyer for respondents. Cause submitted.

DIVISION FOUR (Continued)

B125002 Long Beach Housing Development
 v.
 State Board of Equalization

Merits:

Argued by Raymond B. Jue, deputy attorney general, for appellant State Board of Equalization and by Derrick M. Au, deputy county counsel, for appellant County of Los Angeles and by Jack I. Samet for respondent. Cause submitted.

B128802 Cohen et al.
 v.
 Aaron et al.

Merits:

Argued by Thomas J. Jeffers, Jr. for appellants and by Timothy G. Mishler for respondents. Cause submitted.

B114365 Regents University of California et al.
 v.
 Sanwa Bank and First Church of California

Merits:

Argued by Mary E. McDonald for appellant Regents of the University of California, by Henry H. Dearing for appellant First Church of Christ and by Frederick J. Seymour for respondents. Cause submitted.

DIVISION FOUR (Continued)

Each of the following:

B130468 People v. Alexander
B128876 People v. Strassburg
B130767 People v. Gomez
B127900 People v. Scott
B130289 People v. Powell
B128850 People v. Strong
B131947 People v. Jairo L.
B135768 Jurei M. v. S.C.L.A. (D.C.F.S.)
B130128 D.C.F.S. v. Jurei M.
B132923 D.C.F.S. v. Christine B.
B135814 Ishida, et al. v. S.C.L.A. (Ivener, et al.)

Argument waived, cause submitted.

Court Adjourned.

DIVISION FIVE

B127750 People (Not for Publication)
v.
Keith E. Ewing

The judgment is affirmed.

Armstrong, J.

We concur: Grignon, Acting P.J.
Armstrong, J.

DIVISION SIX

Court convened at 9:00 A.M.

Present: Gilbert, P.J., Yegan, J., Coffee, J., and G. Bents, Deputy Clerk.

B132975 Carlyle v. City of Atascadero

Argument continued to February, 2000.

B134177 Dept. of Social Services v. Donna H.

Argument waived, cause submitted.

B133212 Cedarwood Homeowners Association

v.

John A. Liberator, etc., et al.

Merits:

Argued by Steven N. Cool for appellant and by W. Dean Freeman, deputy attorney general, for respondents. Cause submitted.

B132641 Ventura Co. Behavioral Health Dept.

v.

Smith

Merits:

Argued by Jean E. Matulis for appellant and by Kirk E. Watson, Assistant County Counsel, for respondent. Cause submitted.

B133111 People

v.

American Surety Insurance Co.

Merits:

Argued by Brendan Pegg for appellant and by William A. Waters, Assistant County Counsel, for respondent. Cause submitted.

Court recessed at 10:05 A.M.

DIVISION SIX (Continued)

Court reconvened at 1:30 P.M.

Present: Gilbert, P.J., Yegan, J., Coffee, J., Perren, J., and G. Bents, Deputy Clerk.

Each of the following:

B123088 People v. Cockrell
B128387 People v. Younger
B129585 People v. Bernal
B130230 People v. Moore
B130234 People v. Rodriguez
B131036 People v. Claus
B131566 People v. Norman
B131984 People v. Hernandez
B132051 People v. Waites
B133318 People v. Santistevan
B130103 People v. Johnson

Argument waived, cause submitted.

B129720 People
 v.
 Flores

Appearances:

Susan B. Lascher for appellant and by Susan S. Kim, deputy attorney general, for respondent via video conference. Argument waived, cause submitted.

B135983 Peters
 v.
 Ventura Co. Superior Court
 (The People, r.p.i.)

OSC:

Presented by Jean E. Matulis for petitioner and by David Lehr, deputy district attorney, for real party in interest. Cause submitted.

DIVISION SIX (Continued)

B131760 People
 v.
 Acuna

Merits:

Argued by Richard C. Gillman for appellant and by Wendy Chase Arenson, deputy attorney general, for respondent via video conference. Cause submitted.

B132052 People
 v.
 Quinones

Merits:

Argued by Richard C. Gilman for appellant and by April S. Rylaarsdam, deputy attorney general, for respondent via video conference. Cause submitted.

B132057 People
 v.
 Fletcher

Merits:

Argued by Richard C. Gilman for appellant and by Susan S. Kim, deputy attorney general, for respondent via video conference. Cause submitted.

B126324 People
 v.
 Buchanan

Merits:

Argued by Edgar B. Pease, III for appellant via video conference and by Gerald McC. Franklin, deputy district attorney, for respondent. Cause submitted.

DIVISION SIX (Continued)

B133005 People
 v.
 Richard A.

Merits:
Argued by Richard A. Lennon for appellant and by M. Susan Sullivan, deputy attorney general, for respondent via video conference. Cause submitted.

B133999 People
 v.
 Voter

Merits:
Argued by Susan Hier for appellant and by Hye Y. Yang, deputy attorney general, for respondent via video conference. Cause submitted.

B129746 People
 v.
 Madrigal

Merits:
Argued by Alexander Lambrous for appellant and by Chung L. Mar, deputy attorney general, for respondent via video conference. Cause submitted.

B130436 People
 v.
 Croft

Merits:
Argued by Wayne C. Tobin for appellant and by Jennevee DeGuzman, deputy attorney general, for respondent via video conference. Cause submitted.

Court recessed at 3:15 P.M.

DIVISION SIX (Continued)

Court reconvened at 3:25 P.M.

Present: Gilbert, P.J., Yegan, J., Coffee, J., Perren, J., and G. Bents, Deputy Clerk.

B131299 People
 v.
 Cortez

Merits:

Argued by Martin Zaehring for appellant and by David C. Cook, deputy attorney general, for respondent via video conference. Cause submitted.

B131370 People
 v.
 Castro

Merits:

Argued by Jill Ishida for appellant via video conference and by Steven Mercer, deputy attorney general, for respondent via video conference. Cause submitted.

Yegan, J. left the bench.

B131870 People
 v.
 Gonzalez

Merits:

Argued by Martin S. Rosenberg for appellant and by Chung L. Mar, deputy attorney general, for respondent via video conference. Cause submitted.

DIVISION SIX (Continued)

B125318 People
 v.
 Sherman

Merits:

Argued by Gary V. Crooks for appellant and by Analee J. Nations, deputy attorney general, for respondent. Cause submitted.

Court adjourned at 4:10 P.M.